

Lawyer, wrongly convicted man crumble society's walls

By Kevin Fagan
Tribune staff writer

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THIS IS A TALE of opposites attracting, of justice hard won, and of a friendship that blossomed through the years despite all odds.

On one side is a comparatively rich white lawyer named John Taylor. On the other is a poor black man named Aaron Owens, whom Taylor put behind bars for life for a brutal shotgun double murder two decades ago.

Taylor was a hot prosecutor, the Alameda County district attorney's best. He nailed Owens easily, leaving no doubt in the jurors' minds with pinpoint witness descriptions and bloody evidence.

The only trouble was that Owens was innocent. And he almost died for the mistake.

Had the killings happened just months earlier, Owens probably would have been sentenced to choke in the gas chamber. But as fate would have it, the state Supreme Court overturned the death penalty

that year — 1972 — and Owens wound up instead doing a life term in San Quentin state prison.

That meant that nine long years later, when Taylor went to Owens' parole hearing to make sure the "murderer" wouldn't be freed, the then-convict was able to look Taylor straight in the face for the first time since his arrest. And Owens was able to say one simple thing he had never seriously told him: "I didn't do it."

"I said, 'Right — save it for the other cons,'" Taylor said recently in the Walnut Creek office where he now has a private law practice. "But then I looked in his eyes, and suddenly I could see he was telling the truth.

"And I thought, 'Oh, my God.'"

Thus began a legal roller coaster that resulted, two years later in 1981, in Taylor winning a courtroom fight to get Owens freed. And today, almost exactly 20 years after the messy May 13, 1972, drug-killing that sent them both on a collision

course with fate, they are fast friends.

They go to Oakland A's baseball games together. They share a beer now and then, or catch lunch on the lawn at some local park. They toy with writing a book about their lives, and Taylor helps Owens out whenever he needs a lawyer.

Owens, well-muscled and lean at the age of 49, still lives much as he did before: He rents a tiny apartment west of San Pablo Avenue on the tattered side of Berkeley, where he earns a small income caring for a quadriplegic woman.

And Taylor, a slimmer man of 50 who sports a neat, gray beard, lives as he always did, in a big house in the Eastbay hills, married to a local judge. He wants for little and picks and chooses legal cases from his sparkling Walnut Creek office.

But when the two get together, the walls of money, attitude and racism that would divide lesser men

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replied away.

"'Hev, bro,'" Taylor snapped jokingly as Owens walked into his office on a recent warm afternoon — half an hour late, as he often is. "You (wasting time) again?"

Their eyes met, as clear and an understanding as that day in San Quentin when Owens spotted Taylor with the truth, and they both grinned widely.

"You're an ass . . . and you always were," Owens roared, slapping Taylor on the arm. "Good to see you, too."

"You'd think that in all those hard prison years, Owens would have developed an insurmountable resentment against the man who put him away. But there's not a trace.

"I just figured he was a sharp lawyer doing what the system told him to," Owens said. "I hate having done time, and that conviction will haunt me the rest of my life, but John is not the one to blame."

"I prefer to think John is the one who got me out."

Parallel thoughts

The irony of their friendship is not lost on them.

"Yeah, he's a rich man and I'm a poor man. But we're right there, close," Owens said, holding up both hands next to each other. "We don't need to be on the same side of life to understand each other."

Taylor added: "Aaron's a very personable, charming guy who lived on the wrong side of the law and got incredibly unlucky that once."

When asked to unreal their strange legal saga, the men finish sentences for each other. Having done the TV show rounds after Owens was freed, from "Good Morning America" to CBS News, they're well used to telling the story.

It began the day before Mother's Day 1972, when two men armed with a pistol and a shotgun surprised reputed heroin dealer Stan Bryant and his girlfriend, Suenette Cook, at their Rockridge home. With Bryant was Forrest Brown and his 4-year-old son.

After arguing about whether to kill all four, the gunmen let Brown and his son go, then shot Bryant and Cook to death.

One of the gunmen was drug dealer Glenn Bailey, who years later told a reporter he arranged the killings because Bryant "disrespected me." The other gunman, Brown and another witness later testified, was Aaron Owens.

"I was very comfortable with this case. I had good evidence and good witnesses, and I had no doubt Aaron did it," Taylor said.

Just good to show you — it takes a good lawyer to convict a guilty man, but it takes a hell of a lawyer to convict an innocent man."

Proof of legal mistakes

When he was arrested, Owens figured the cops were just leaning on him because he'd beaten a few drug and robbery raps before. He'd been buying flowers for his wife and mother at the time of the murders, and felt sure he'd just draw some light sentence to teach him a lesson.

He believed that until a year later, when he got two life terms for first-degree murder.

Reflecting on the sentencing last week, after double-murderer Robert Alton Harris became the first California prisoner executed in 25 years, Taylor said he never would have asked for a death sentence.

"In a system where you have human beings involved, you're always going to have mistakes," he said. "I'm not going to argue for or against the death penalty on the whole, but let me just say this: Aaron is living proof that legal mistakes can be made."

Owens first went to Folsom prison, then San Quentin, and he appealed his case all the way to the U.S. Supreme Court. Denied at every level, he thought it looked hopeless until the 1980 parole hearing where he met Taylor again.

Owens was denied parole that day, but as Taylor drove back to his plush Oakland hills home he couldn't scrub that epiphanic moment from his mind.

During the first trial, the two had exchanged a few words between proceedings, but it had been cursory at best. Owens never testified on the stand, afraid that evidence showing he had once owned a shotgun would damn him.

"Early on, during a recess, Aaron told me casually that he hadn't done it, but of course I thought he was full of it," Taylor

said. "We never had a serious moment until that parole hearing."

By then, he'd already had a belly full of 13 years as a DA's prosecutor and was scheduled to resign two days later. The thought that he would leave without a clean conscience cut him to the quick.

"I said to my wife when I got home, 'I don't think that guy did it, and she said, 'Well, you'd better check it out,'" Taylor said. So he did. He immediately found resistance.

"The legal system hates to admit it made a mistake," he said recently with a sigh.

Lowell Jensen, who was then Alameda County District Attorney, told him to lay off, saying he was just feeling sentimental about the 35 murder cases he had so aggressively prosecuted for the county. Superior Court Judge Alan Lindsay, who tried the case, warned Taylor he was being let on.

Another year's work

Undaunted, Taylor started dredging up evidence, and the key came a year later when Owens' co-defendant, Bailey — who pleaded innocent but admitted the killings in prison — wrote him a letter, saying he would cooperate.

Bailey never implicated Owens in the trial, but now figured a new investigation might get him a new trial. The man who convinced him of that was Owens, who'd wrangled himself a San Quentin cell next to Bailey's so he could verbally work on him.

Taylor, by then a private attorney, got a witness in the getaway car to admit he'd lied to protect the real killers. Taylor also scared up another witness, and got photos of the true killer. It was eerie — Bailey's actual sidekick was a dead ringer for Owens: 5-foot-8 with the same features, right down to mutton-chop sideburns. That's why Brown, the man who was spared at the last minute, had mixed the two up.

DA Jensen was finally convinced and sent the case back to Judge Lindsay. On March 6, 1981, he threw out the convictions and Owens walked out a free man. He had been in county jail or state prison since November 1972.

Bailey is still doing time in San Quentin. The other killer, said Taylor and the DA's office, could never be prosecuted, because when they discredited their evidence to free Owens they discredited everything relating to the second killer.

"I remember to this day the moment John came to San Quentin and told me I was going to be a free man," Owens said. He stared straight-faced at Taylor, and a lone tear squeezed from one eye. "I just dropped to my knees and cried."

Taylor, in turn, said he has no regrets over having convicted Owens the first time.

"I was just doing my job," he said. "The important thing is I set it right later."

Owens' 78-year-old mother, Gladys, and his eight siblings have never forgiven Taylor for putting Owens in prison, despite his later efforts, which include defending him against two minor bum raps since being freed. Taylor's wife also takes a dim view of the two palling around together.

"It's OK," Taylor shrugged. "They don't understand, but we do," Owens added.

While he was behind bars, Owens' wife divorced him and his two daughters grew up. That, plus the toughening that comes from living in cement and steel, have left their mark.

"I still have trouble staying with anything for long — girlfriend, job, whatever," Owens said. "And when it feels like I'm losing it, John can tell."

He just says, "Don't . . . me, man," and she sleeps me on the straight and narrow. And I respect him because I know his concern is genuine."

Owens in turn showers unmitigated affection on his buddy. When Taylor barely lived through a hideous Oakland car crash three years ago that cost him an eye and left him with a slight speech slur, Owens "prayed every day for him." And when Taylor determinedly went back to work a year later, Owens urged him on, telling him to hang tough.

"It was only because John was such a caring man that I got out of prison," Owens said, voice cracking as Taylor looked away with an embarrassed smile. "I owe him my life."

"I love the man."

Star prosecutor quits in disillusionment

By Lance Williams

Tribune Staff Writer

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After winning two of the loudest and most-publicized criminal cases of the year, John Taylor would appear to be at the top of his career as an Alameda County deputy district attorney.

Instead Taylor, who in back-to-back trials this year convicted kidnapper Edward Seward and triple murderer Lawrence Patrick Reilly, says that as far as he's concerned his career is at an end.

Deeply troubled by a legal system that he says has little regard for truth and by courts that he claims fail to hold criminals responsible for their actions, Taylor is quitting his job with no real plans for what he will do next.

After 13 years as a trial lawyer, he says he is convinced that frustration and emotional burnout are the only real payoffs for prosecutors who pursue their careers in hopes of serving the public.

"There is a tremendous amount of violence that goes unpunished," Taylor says, "and that begins to work on your own personal sense of justice."

"You can try to shrug it off with sick jokes or by drugging your mind with alcohol, but it builds, and it builds, and it builds inside."

"It's a question of how long you can do that if your motive (for being a prosecutor) is sincerely altruistic — how long you can keep hitting yourself against a brick wall and recently, the brick wall has been hitting back."

Criminal trial work is a high-pressure job, and the lawyers who spend their lives prosecuting felonies tend to be competitive, single-minded — and, perhaps, thin-skinned about criticism and setbacks. Certainly singing the "D.A.'s blues" — complaining about assertedly obtuse trial judges and unreasonable appeal courts — is a venerated practice among prosecutors.

Nevertheless, many prosecutors who privately share some of Taylor's views say his criticisms transcend normal griping. They contend that a long series of recent appeal court decisions — including reversals of the convictions of such local defendants as Symbionese Liberation Army member Russell Little and Barry Braeseke, the Dublin man convicted of killing his parents and grandfather — is demoralizing many top prosecutors.

Other lawyers have abruptly quit the Alameda County office, in fact, another well-regarded prosecutor, Taylor's longtime friend Joaquin Parrillo, is joining him in premature retirement. Still, most lawyers cope by grouching about "Rose and the Supremes" — the sardonic sobriquet for the present state Supreme Court — or seeking a transfer away from the trial staff, or quietly resign to enter private practice.

Taylor's outspoken and abrupt manner of departure is unusual — but in keeping with his own perception of himself as "office maverick." Since joining the D.A.'s office out of Hastings Law School, Taylor, 38, has won convictions in more than two dozen murder cases — including the staggering total of seven in the year 1973.

An intense and sometimes unorthodox lawyer, he has on occasion pushed his conduct to the limits of lawyerly propriety in pursuit of a conviction.

For example, during the first trial of Reilly — who ultimately was

'... a tremendous amount of violence that goes unpunished'

convicted of murdering LSD dealer Frank Ragusa and his wife and sister — Taylor interrupted one lengthy defense motion by exclaiming, "I can't believe we're doing this. This is a joke!" and rising as if to leave the courtroom.

During the same trial, he gave such an unusual closing argument — refusing even to mention any of the evidence in the case — that his opponent complained of being "sandbagged" because the prosecutor had given him nothing to rebut.

Likewise, Taylor's withering cross-examination of defense witnesses in the trial of Seward led the defendant to unsuccessfully seek a new trial on the grounds of "prosecutorial misconduct."

Taylor says that some of his courtroom impetuosity — if not his other tactics — probably reflects his frustration with what he calls "this so-called justice system."

Because of what he characterizes as increasingly strict appellate rulings on evidentiary issues — especially regarding how police can conduct themselves in searching the person and property of suspected criminals — he says that jurors often get only a selective and artificial view of the events surrounding a crime.

"We no longer even come close in trial to ascertaining the truth," he says. "And isn't that what we ought to be doing? Shouldn't we be?"

Taylor asserts that for many lawyers and judges trial work is nothing more than a legal "game" that is played within a moral framework that he believes is skewed.

"You will find a tone of morality creeps into the voices of these people when they talk about a search and seizure question," he says.

"It's. The stupid police officer, do you know what he did, blah blah blah."

"Often I find myself thinking something like this: 'Hey, wait a minute. A 64-year-old woman was raped. That ought to be what people are thinking about — the morality of the crime... That's the only moral judgment that should be (exercised) here.'"

Not surprisingly, Taylor blames judges — both at the trial and the appeal court level — for much of the problem. Unlike many of the system's critics, he refuses to phrase his criticism in political terms.

But he charges that many judges — and the political leaders — who put them on the bench are imbued with a permissive personal philosophy that makes them unable to hold guilty defendants responsible for their criminal acts.

He perceives this permissive attitude in everything from Supreme Court decisions to sentencing hearings for such crimes as non-fatal shootings.

While 10 years ago a defendant convicted of such a crime almost automatically went to prison, he asserts that today it is up to the prosecutor in such cases to muster "legal and moral arguments" to convince judges not to routinely grant probation.

He says he is convinced that ordinary citizens share his views but lack his sense of the urgency of the problem.

resident stoutly maintained his innocence, and his friends and neighbors packed the courtroom each day to give him encouragement.

In mid-trial, the defendant filed a \$12 million legal claim against Taylor for alleged civil rights violations stemming from his arrest.

Taylor bulled his way through the case, but the night the guilty verdict came in he went out and drank too much.

"The morning after the Seward verdict, I woke up and started crying. I cried for about five minutes, trying to pinpoint what I was crying about."

"I think it was — I'm really upset by the fact that a great segment of the community out there (in Castro Valley) thinks Ed Seward was innocent. I felt sorry for his family, and for Ed Seward himself."

For that he faults news reporters for their tendency to avoid thorough reporting on the criminal justice system in favor of splashy spot coverage of sensational trials.

But coming back to his own shortcomings, Taylor says that once his attitudes on the system began to crystallize, he became increasingly unable to take the emotional beating involved in trying cases.

He says he became especially agitated in the trial of Seward. Despite eyewitness testimony and physical evidence that linked him to the crime, the prominent Castro Valley

An innocent man's victory

By Del Lane
Tribune Staff Writer

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A former Alameda County prosecutor has won the freedom of the man he successfully tried for murder in 1973.

John Taylor, now an attorney in private practice at Lake Tahoe, was told in 1979 by a co-defendant of Aaron Lee Owens, that Owens, 37, was wrongfully convicted of helping murder two people in what appeared to be a grudge over drug transactions.

The co-defendant, Glenn Bailey, gave Taylor this information during a parole hearing and followed up with a letter last year to the Alameda County district attorney's office.

Bailey later supplied Taylor with the name of his actual accomplice and the names of

several other people who, he said, knew the identity of that man.

Taylor was redeputized, assigned an investigator and reopened the case.

On Wednesday, Don Whyte, an Alameda County deputy district attorney, appeared before the state Board of Prison Terms at San Quentin, told the board of the circumstances and asked that the case be returned to the original trial court for further consideration.

"I understand that a letter has been sent returning jurisdiction to Alameda County Superior Court," Whyte said Wednesday night. "When that arrives, I will ask the sheriff to remove Owens from San Quentin and take him

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and the actual suspect, to the extent that a situation like this has never happened. At the time...

before the original trial judge, Alan Lindsay."

At that point, Whyte said, he will recommend that the jury verdict be vacated and move that the charges be dismissed.

"I expect Owens to be free at the very latest by early next week," he said.

In his report to the prison terms board, Taylor said Owens was the victim of "several incredibly coincidental occurrences."

Among those, said Whyte, is the fact that police identification photos show a remarkable physical resemblance between Owens and the actual suspect, to the extent that "they could be twin brothers, almost."

Because of that resemblance, Whyte said, Owens was positively identified as one of the killers by a witness who "simply made an honest mistake."

The other coincidences, Whyte said, were contained in "a lot of small bits of circumstantial evidence."

He said Owens' case was further damaged by the fact that he did not testify in his own behalf at his trial, "which is unusual for an innocent man." But, Whyte said, Owens made that choice because he had once been convicted of possessing a sawed-off

shotgun — the same kind of weapon used to kill one of the victims.

The victims were Marie Collins, 24, and Stanford Bryant, 42, who were shot to death on May 13, 1972, in an apartment in Oakland's Rockridge district.

Owens was sentenced to life and Bailey sentenced to two life terms.

Whyte termed Owens' conviction a "one-in-a-million shot — I never expect to see it happen again."

And Taylor's of involvement in reopening the case, Whyte said, "A situation like this has never happened. At the time, Taylor had some misgivings about the case, nothing he could really put his finger on. After Bailey talked to him, he acted through a sense of moral responsibility."

As for Bailey's true accomplice, Whyte said, "We have the name of an individual, but the state of the evidence in the case is such that we will probably never be able to proceed against him."

Of Owens, Whyte said, "He has a remarkable attitude. He just accepted conviction for a crime he didn't commit as the way life is. I couldn't do that. I don't know why he didn't go crazy during all those years in prison."

Prosecutor's story

How innocent man was freed

By Lance Williams
Tribune Staff Writer

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In January 1980, in a small room at San Quentin Prison, a convicted murderer looked into the eyes of the prosecutor who put him behind bars — and each man learned a startling truth about the other.

Convict Aaron Owens, who stoutly maintained he was innocent of two Oakland killings eight years before, realized that his prosecutor believed him guilty of the crimes — and had not, as Owens firmly believed, railroaded him on a murder rap to punish him for dealing drugs.

Alameda County Deputy District Attorney

John Taylor's sudden insight into Owens was equally astounding — and far more troubling.

Something in Owens' look convinced the bearded lawyer that Owens was sincere in his protestation of innocence and that Taylor — with absolute certitude, honorable intention, and all his skill as a trial lawyer — had convinced a jury to convict the wrong man.

On Monday, in his first interview since Owens was released from prison Friday, Taylor told the Oakland Tribune/Eastbay TODAY of his year-long investigation to confirm the gut feeling that

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